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PROTECTION OF MINORITIES

Letter dated 9 July from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva requests that the attached document be circulated as an official document at the forty-eighth session of the Sub-Commission, under agenda item 17.

(Signed): [on behalf of the Ambassador]
Miroslav Milosovíc
Counsellor

GE.96-12241 (E)

I. COMPARATIVE SURVEY OF THE CONSTITUTIONAL MINORITY SAFEGUARDS UNDER THE CONSTITUTIONS OF THE FEDERAL REPUBLIC OF YUGOSLAVIA, THE REPUBLIC OF SERBIA AND THE REPUBLIC OF MONTENEGRO

1. The Yugoslav positive legal practice shows that the area of the protection of freedoms and rights of persons belonging to national minorities is primarily of a constitutional-legal nature, meaning that it is governed by the Constitution of the Federal Republic of Yugoslavia and by the Constitutions of its member Republics.

2. The article 1 of the April 1992 Constitution of FR Yugoslavia defines the Federal Republic of Yugoslavia as a federal State based on the equality of her citizens and the equality of her member Republics. Consequently, the FRY Constitution speaks about citizens and their equality, and does not underline or accentuate the national character of the federal State. In this context, it is worth mentioning article 8 of the FRY Constitution which sets out that power in FRY belongs to citizens and that they exercise this power directly or through their freely elected representatives.

3. Also of relevance if we look at national minority protection in the context of the safeguards of human and civil rights and freedoms is article 10 of the FRY Constitution which recognizes and guarantees the human and civil rights and freedoms that are recognized by international law.

4. However, it is article 11 of the FRY Constitution that regulates most directly the area discussed here because it recognizes and guarantees to the national minorities the rights to preserve, develop and express their ethnic, cultural, linguistic and other specificities and to use national symbols in keeping with international law. An important provision for the concept of the thus defined safeguards and for guaranteeing national minority rights is article 15, paragraph 2 of the FRY Constitution, which stipulates that in the territories of FRY inhabited by national minorities their languages and scripts shall also be in official use, in accordance with the law.

5. In addition, section II of the FRY Constitution "Freedoms, rights and duties of man and citizen", relates to persons belonging to national minorities as well and ensures their equality, similar to that provided to all other FRY citizens. In that section, articles 38, 42 and 50 provide for the possibility of banning certain acts if they incite ethnic, racial or religious hatred and intolerance. An analysis of the constitutional-legal protection of national minorities in FRY should point out in particular the provisions of articles 20 and 45 to 48 of the FRY Constitution which, inter alia, define certain rights of national minorities, such as the right to equality before the law, the freedom to express national affiliation and culture, the right to use one's language and script, as well as the right not to have to declare one's ethnic origin, the right to be educated in one's native language (in accordance with the law), the right to public information in one's native language, the right to establish educational and cultural organizations and associations to be financed on the basis of voluntary contributions, provided that the State can support them in such activities and, lastly, the right to establish and maintain unhindered relations in FRY and abroad with persons

belonging to the same nation who live in other States and to take part in international non-governmental organizations but without prejudice to FRY or its member Republics.

6. Arrangements provided by articles 45 to 48 of the FRY Constitution reflect the adoption of the standards stipulated in article 27 of the International Covenant on Civil and Political Rights. The Constitution does not provide for any separate safeguards of the right to practise a religion and perform religious rites, which is not essential after all because this matter is governed by certain other provisions of the FRY Constitution, namely those dealing with religious freedoms that also apply to persons belonging to national minorities (art. 43). It is noteworthy that the FRY Constitution goes a step further relative to the Covenant and that already in article 48 it envisages a separate right of persons belonging to national minorities to maintain links and relations with their national State.

7. The Constitutions of the member Republics contain provisions that are in essence identical to those governing this area under the FRY Constitution.

8. Accordingly, article 1 of the September 1990 Constitution of the Republic of Serbia defines the Republic of Serbia as a democratic State of all her citizens, based on human and civil rights and freedoms, on the rule of law and on social justice.

9. Like the FRY Constitution, the Constitution of the Republic of Serbia contains provisions on human and civil rights, freedoms and duties (sect. II, arts. 11-54), which apply to all citizens of the Republic of Serbia and hence to members of national minorities as well. Article 32, paragraph 4, of the RS Constitution stipulates that members of other nations and ethnic groups shall have the right to be educated in their native language, in accordance with the law. Under article 49 of the RS Constitution any citizen is guaranteed the freedom to express his ethnic origin and culture and the freedom to use his language and script, along with the right not to have to declare his ethnic origin. Article 123 of the RS Constitution guarantees to everyone the right to use their language in a court of law or before any other government body or organization deciding on their rights and duties in the discharge of its public functions, and to be informed of the relevant facts in their native language.

10. The October 1992 Constitution of the Republic of Montenegro, like the FRY Constitution, contains provisions concerning the rights and freedoms in part II, articles 14 to 76, which regulate special rights for persons belonging to national and ethnic groups (arts. 67-76).

11. The above-mentioned provisions guarantee to members of national and ethnic groups the protection of their identity, the use of their language and script in the proceedings before the State authorities, the right to be educated and informed in their native language, the use and display of national symbols, the establishment of educational, cultural and religious associations with the State's material support, incorporation of units on their history and culture in school curricula, proportionate representation in public service, governmental agencies and local self-government, the right to maintain contacts with their fellow countrymen outside Montenegro and the

right to take part in regional and non-governmental international organizations, as well as the right to submit requests for the protection of their freedoms and rights to international institutions. To protect and preserve that identity and give effect to the rights referred to, article 76 of the RM Constitution sets up a separate body headed by the President of the Republic - the Republic Council for the protection of rights of members of national and ethnic groups - whose composition and competencies are established by the Assembly.

12. Apart from the above-mentioned arrangements set forth in the FRY Constitution and in the Constitutions of the member Republics for the protection of minority rights and freedoms, this area is also governed by individual laws both at the federal level and at the Republic level in the areas of material law and criminal legislation, association of citizens, public information, schooling and education, languages in official use, etc.

II. INTERNATIONAL PROTECTION OF MINORITIES

13. Yugoslavia has ratified a large number of international documents, including those in the areas of rights and freedoms of man and citizen. By the act of ratification, adoption or approval, all the international instruments have become an integral part of our internal legal order.

14. For the purposes of this report, one should bear in mind in particular certain documents of international organizations addressing the protection and promotion of national minority rights, such as: the International Covenant on Civil and Political Rights (art. 27); the Convention on the Prevention and Punishment of the Crime of Genocide (arts. 1-4); the International Convention on the Elimination of All Forms of Racial Discrimination (arts. 1-7); the International Convention on the Suppression and Punishment of the Crime of Apartheid (arts. 1-4); the United Nations Declaration on the Elimination of All Forms of Racial Discrimination (arts. 1, 2 and 5); the European Convention for the Protection of Human Rights and Basic Freedoms (art. 14); the Final Acts of the Conference on Security and Cooperation in Europe (Helsinki 1975, Madrid 1983, Vienna 1989).

15. We single out in particular the 1992 Declaration on the Rights of National or Ethnic, Religious and Linguistic Minorities and the part of the Document adopted at the second meeting of the Conference on the Human Dimension of the CSCE held in Copenhagen in 1990 relating to the rights of national minorities. Both documents advise and recommend States to adopt relevant legislative and other measures in order to protect ethnic (national, cultural, religious, linguistic) minorities as well as to promote the rights and the identity of these minorities (Declaration, arts. 1 and 4, and the CSCE Document, IV, arts. 30 and 35).

16. Finally, we wish in particular to point to the 1995 Council of Europe Convention on the protection of national minorities, which has not come into force yet because it has not been ratified by the required number of Council of Europe member States. This convention, along with the two international documents mentioned in the previous paragraph, constitutes and contains what is considered to be an international and/or European standard in the sphere of protection and promotion of national minority rights.

III. EXERCISE OF MINORITY RIGHTS IN THE FEDERAL REPUBLIC OF YUGOSLAVIA

17. The territory of FR Yugoslavia, according to the data provided by the Federal Statistical Bureau, had a population of 10,345,464 in 1991.

18. The share of the different national minorities and ethnic groups in the total FRY population is presented in terms of figures and percentages in the following table:

The national structure of the Yugoslav population in 1991

1.	Serbs	6 485 596	62.3 per cent
2.	Montenegrins	520 408	5.0 per cent
3.	Albanians	727 541	16.6 per cent
4.	Hungarians	345 376	3.3 per cent
5.	Muslims	327 290	3.1 per cent
6.	Croats	115 463	1.1 per cent
7.	Romanies	137 265	1.3 per cent
8.	Slovaks	67 324	0.6 per cent
9.	Romanians	42 386	0.4 per cent
10.	Macedonians	48 437	0.5 per cent
11.	Bulgarians	25 214	0.2 per cent
12.	Vlachs	17 557	0.2 per cent
13.	Turks	11 501	0.15 per cent
14.	Others	465 349	4.5 per cent

19. The federal and Republican regulations in force guarantee to members of national minorities in FR Yugoslavia all rights in keeping with the international documents which FR Yugoslavia has ratified and with the standards arising therefrom.

Education

20. In the field of education, it is necessary to take as a point of departure the standards established by the Convention against Discrimination in Education, adopted by the General Conference of UNESCO in 1960 and ratified by Yugoslavia under her 1964 Regulation. This Convention prohibits any discrimination or differences based on race, gender, language, religion, political or other beliefs, national or social background, that are designed to cause or result in the destruction or undermining of equality in actions in the field of education. Article 5 of the Convention points out in particular that persons belonging to national minorities should also be recognized the right to use their language and to conduct instruction in that language provided that: that right is used in a manner which will not prevent national minorities from understanding the culture and the language of the entire community and from taking part in its life or which will not put national sovereignty in jeopardy; that education in such schools is not inferior in quality to that prescribed or approved by the competent authorities; and that attendance at those schools is a matter of free choice.

21. Taking all this into account, the above-mentioned as well as other provisions of the Convention have become an integral part of our domestic

legal system, not only owing to the ratification of this Convention but also thanks to the enforcement and further development of its provisions by means of new laws.

22. Education in FR Yugoslavia is available to all under equal conditions and elementary eight-year education is compulsory. Regular education in any of the languages that are in equal official use, in primary, secondary and higher schools, is free.

23. The constitutional right of persons belonging to national minorities to be taught in their language has been elaborated in a number of Republic laws and other regulations. The educational process is organized in minority languages from the preschool level up to the university level.

24. Under the Law on Elementary Schools and the Law on Secondary Schools of the Republic of Serbia, persons belonging to national minorities may follow the curricula in their native language provided at least five pupils enrol in the first grade - even fewer subject to the educational minister's approval. The Law also provides for the possibility of bilingual schooling or additional classes in the minority language with elements of national culture as an elective subject. According to the data for the 1993/94 school year, elementary instruction in the Autonomous Province of Vojvodina is conducted in five teaching languages: Serbian, Hungarian, Slovak, Romanian and Ruthenian. In 38 out of Vojvodina's 45 townships, pupils are taught in one or several minority languages: in Hungarian in 29 townships, in Slovak in 12, in Romanian in 10, and in Ruthenian in 3 townships.

25. Education in the Bulgarian language or bilingual instruction is conducted in 38 primary schools in the townships with a higher percentage of ethnic Bulgarians (Bosilegrad and Dimitrovgrad). They are attended by 2,451 pupils.

26. Pupils belonging to the Hungarian national minority attend classes solely in their native language in 42, Slovak in 7, Romanian in 13, and Ruthenian in 1 elementary school in Vojvodina. Parallel instruction in Serbian and any of the minority languages is conducted in 100 elementary schools and in another 2 schools pupils are taught in three minority languages. Of the total school population in Vojvodina, 11.54 per cent attend elementary school in Hungarian, 2.19 per cent in Slovak, 0.82 per cent in Romanian and 0.35 per cent in Ruthenian, which is more or less proportionate to Vojvodina's overall ethnic structure. In areas where pupils are only taught in Serbian, the pupils whose native language is other than Serbian have an elective "Native language with elements of national culture" with two lessons a week from form I to form VIII.

27. In 37 secondary schools in Vojvodina, instruction is conducted in one of the four minority languages: in Hungarian in 27 schools, in Slovak in 2, in Romanian in 2 and in Ruthenian in 1 secondary school.

28. Teaching and education in national minority languages in secondary school facilities takes place under the Law on Secondary Schools, which, similarly to the Law on Elementary Schools, stipulates that at least 15 students in the first form of lycée, vocational and art schools are required for them to follow the curriculum in their national minority language. Instruction in

a minority language in cases where the 15-student requirement has not been fulfilled is subject to approval by the Education Minister. The schools which provide instruction in national minority languages alone are likewise obliged to create the conditions for following Serbian language classes. Instruction in a national minority language - Hungarian, Slovak, Romanian and Ruthenian - is conducted in 18 of Vojvodina's townships, in 12 lycées, and in 20 vocational schools, involving 290 classes and 7,240 students. In elementary and secondary schools where pupils and students are taught in minority languages, the Law stipulates the requirement for teachers to keep records also in minority languages, and the public school report is issued in those languages as well. Under the provisions of the Law on Higher Schools and the Law on the University of the Republic of Serbia, instruction is conducted in Serbian, but may also be conducted in a minority language, subject to a decision by the founder of that school and approval from the University. Higher education in Hungarian is organized at seven faculties, in Slovak at two, in Romanian at two and in Ruthenian at two faculties.

29. The Law on Higher Schools and the Law on the University have provisions regulating the organization and conduct of instruction in minority languages, as well as record-keeping in registries of diplomas issued and public certificates issued attesting to completed studies. According to the data for the 1993/94 school year, 11 higher schools in Vojvodina are attended by 717 students belonging to the Hungarian, Romanian, Slovak and Ruthenian national minorities, of whom 466 attend lectures in their native language. Of the total number of students belonging to national minorities, the following percentages study at higher schools in their respective native languages: 69.3 per cent of Hungarians; 32 per cent of Slovaks; 91.07 per cent of Romanians; and 4.76 per cent of Ruthenians. The 13 institutions of high learning in Vojvodina are attended by 1,598 students belonging to national minorities, of whom 357 study in their native language.

30. A similar education arrangement is applied in AP Kosovo and Metohija, but ethnic Albanians are boycotting the legal educational system in elementary to high education facilities, which provide instruction in Albanian. Prior to the boycott, there were 904 Albanian schools with 315,000 pupils, 69 secondary schools with 73,000 students, and the University in Pristina, which was attended by 37,000 students, 80 per cent of whom were Albanians studying in the Albanian language. Ninety-eight per cent of education-related costs were financed by the Republic of Serbia. By the number of students, the Autonomous Province of Kosovo and Metohija was in fourth place in the world (behind the United States, Canada and the Netherlands), while at the same time no more than 19,000 students were receiving their schooling at the University in Tirana.

31. The present state of affairs in education is characterized by the fact that persons belonging to the Albanian minority are taught in their native language in State-owned buildings and the Republic of Serbia has secured all that is necessary for the normal operation of schools, observing the principles enshrined in the relevant international documents. There are currently in Kosovo and Metohija 1,400 elementary schools in operation, 60 secondary schools and education centres and the University with 14 faculties. Teachers belonging to the Albanian minority use State-owned classrooms and teaching aids, teach in Albanian and only refuse to receive

salaries from the Ministry of Education of the Republic of Serbia because that act would mean their recognition of the State of Serbia. At the University in Pristina, there are both professors and students belonging to the Albanian national minority.

32. It is solely for political reasons that the Albanians are refusing to accept a uniform educational system which applies to the territory of the Republic of Serbia, the curricula adopted by the competent government agencies, as well as a uniform certificates and diplomas system. Differences between the curricula are not numerous as no more than four subjects are a matter of dispute: language, history, geography and musical culture. All attempts to reach agreement, even with the aid of international mediators in Geneva, have failed due to the obstructive attitude of the representatives of the Albanian minority. The Albanian separatists refused to submit their curricula to the Ministry of Education of the Republic of Serbia for verification. Nevertheless, the Republic of Serbia has been allocating substantial funds for the maintenance of instruction for the Albanian minority members.

33. In Kosovo and Metohija the parallel education of pupils and students is taking place under illegal curricula and criteria and with the use of illegal textbooks. The diplomas that are issued are not recognized nor can they be recognized in either FR Yugoslavia or abroad.

34. The Republic of Serbia and FR Yugoslavia have so far demonstrated a high degree of willingness to make concessions so that Albanian children may not suffer the consequences of this unreasonable policy. The authorities have shown their willingness to recognize the school years completed in the illegal school system, provided that diplomas are issued by the competent bodies of the Republic of Serbia. Yet, not even this offer was accepted. The Albanian separatists have repeatedly insisted on the certificates and diplomas being issued by the illegal bodies of the non-existent and unrecognized "Republic of Kosovo".

35. In 1992, the Government of FR Yugoslavia made the following proposal, within the framework of the Geneva Conference on Yugoslavia, for the settlement of educational problems in Kosovo and Metohija:

(i) To reach agreement for the maximum guarantees, preservation and development of the cultural identity of persons belonging to the Albanian national minority in FR Yugoslavia;

(ii) To re-employ all Albanian teachers who have wilfully abandoned their work posts (except for a small number of teachers who have committed criminal offences);

(iii) To recognize for Albanian pupils the two years they completed in the parallel and illegal educational system;

(iv) To ensure that instruction at all levels is conducted in the existing State-owned school buildings; and

(v) To recognize the 1990 curriculum of the Republic of Serbia. This proposal by the Government of FR Yugoslavia continues to be valid, but the secessionist Albanian leaders in Kosovo and Metohija have persistently turned it down.

36. The Law on Elementary Schools of the Republic of Montenegro stipulates that schools or classes with instruction in the Albanian language, or with bilingual instruction, shall be established in areas inhabited largely by persons belonging to the Albanian national minority. At the schools with instruction in the Albanian language, registers are kept and school certificates issued in the Serbian and Albanian languages.

37. According to the statistics for the 1995/96 school year, 3,118 pupils of Albanian nationality enrolled in the 11 elementary schools in the Republic of Montenegro at which pupils are taught in Albanian.

38. The Law on Secondary Schools in the Republic of Montenegro stipulates that persons belonging to the Albanian national minority can be taught in Albanian, conditions permitting, and that schools or classes with bilingual instruction can be established as well. At the secondary schools with instruction in the Albanian language, as at the elementary schools, registers are kept and certificates and diplomas are issued in the Albanian language as well.

39. According to the statistics for the 1995/96 school year, there are three secondary schools in the territory of the Republic of Montenegro - at Plav, Tuzi and Ulcinj - with instruction in the Albanian language conducted by 83 teachers of Albanian nationality and attended by 900 students belonging to the Albanian nationality.

Information, publishing activities and culture

40. It follows from the provision of the Constitution of FRY which lays down the right of national minorities to public information in their respective languages, and also from the relevant provisions of the Republic laws on public information, that the international standards have been met in this area as well.

41. The statistics for 1994 show that the following numbers of daily papers, magazines and different bulletins are published in FRY: 75 in Hungarian; 17 in Romanian and Ruthenian; 12 in Czech and Slovak; 25 in Albanian; 3 in Turkish; and 3 in Bulgarian. Nineteen papers and 36 magazines are published multilingually.

42. In keeping with the provisions of the Constitution of the Republic of Serbia and the Law on Public Information, a large number of public media in Serbia use national minority languages - Albanian, Hungarian, Slovak, Romanian, Ruthenian, Ukrainian, Turkish, Bulgarian and Romany. All the public media material in the minority languages is edited by persons belonging to the respective minorities. The Republic Law on Public Information in the Republic of Serbia makes it possible for everyone to publish papers even without any preliminary authorization, simply by entering the name of the paper into the competent court's registry. AP Vojvodina is responsible for securing the

required preconditions for public information in minority languages and scripts as well. For example, the 1994 provincial budget allocated funds for supporting the publication of 14 newspapers and 4 magazines in national minority languages.

43. Furthermore, Radio Television Pristina broadcasts television and radio programming in Albanian, and radio programmes are also broadcast in Albanian by six local radio stations. Twenty-five papers are published in Albanian with a total annual circulation of 21 million, and 40 magazines with a total annual circulation of 300,000 copies.

44. Radio Pristina broadcasts programming in the Albanian language every day after 15.30 hrs. The programming is basically of an informative nature and the speech to music ratio is 20:80. Apart from the news bulletin which is broadcast every hour on the hour, the following informative programmes are produced every day before 15.00 hrs: the 12 o'clock News (10 minutes); the Events of the Day at 15.00 hrs (30 minutes); the Evening News at 18.30 hrs (30 minutes); and the Daily Chronicle at 22.00 hrs (15 minutes). Radio Pristina also transmits every day Radio Yugoslavia's informative programme in Albanian, which is broadcast from 21 to 21.15 hrs.

45. Radio Pristina broadcasts programming in the Turkish language every day from 11 to 18.00 hrs. Apart from informative-political programmes, news bulletins and the evening news, the programming also features topics relating to culture, science, education, drama, entertainment, sports and music.

46. Radio Pristina also broadcasts two one-hour programmes (on Thursdays and Sundays) in Romany, covering the most important events related to the life, culture and customs of the Romanies.

47. Apart from Radio Pristina there are also local radio stations in the area of Kosovo and Metohija, for instance Radio Metohija (Pec) and Radio Kosovska Mitrovica, which broadcast programmes in minority languages - in Albanian, Turkish and Romany.

48. Television Pristina broadcasts in Albanian day-to-day news (duration 10 minutes) and evening news (25 minutes) and at present produces an average 47 minutes of programming in Albanian every day, that is 329 minutes a week or 17,019 minutes a year. In addition to the Albanian language, Television Pristina also broadcasts programmes in Turkish whose annual duration is 10,316 minutes, as well as an "informative-magazine" programme in Romany with a total annual duration of 1,178 minutes.

49. The Radio Pristina and Television Pristina programmes in Albanian are organized as business units like the programmes in Serbian and in Turkish, and the units are led by responsible editors who look after the production of certain broadcasts and their contents.

50. There is a disproportion between the Serbian language programme and the Albanian language programme, largely due to the shortage of personnel needed for the production of programmes in Albanian. Vacancies remain unfilled

because unqualified applicants are in short supply as persons belonging to the Albanian national minority are refusing to work at enterprises financed by the State.

51. Of a total of 285,827 hours of radio and television programming broadcast in FRY in 1994, 6,454 hours were in Albanian. In that year, 105 hours of radio and television programming were broadcast in Bulgarian; 19,543 in Hungarian; 3,599 in Romanian; 1,803 in Ruthenian; 5,485 in Slovak; 3,149 in Turkish; 48 in Ukrainian; and 4,614 hours in other minority languages.

52. The radio stations in Vojvodina broadcast programmes in eight languages: Serbian, Hungarian, Slovak, Romanian, Ruthenian, Ukrainian, Macedonian and Romany. Radio programmes in Hungarian are broadcast for 24 hours a day, in Slovak on average 7 hours a day, in Romanian 7 hours as well, and in Ruthenian for 4 hours a day. These data relate to Radio Novi Sad - the main station for Vojvodina's territory. However, there are also another 27 regional and local radio stations in this province of which 4 produce and broadcast programmes in 4 languages, 6 stations have programmes in 3 languages, 8 stations use 2 and 4 stations 1 language.

53. Television Novi Sad broadcasts regularly in five languages: in Hungarian every day; and in Slovak, Romanian and Ruthenian five to six times a week.

54. In 1993 the following numbers of books and brochures were published: 48 in Hungarian; 17 in Czech and Slovak; 16 in Romanian; 5 in Albanian; 1 in Bulgarian and 221 books in several languages.

55. In 1993, 41 books were published in Hungarian with an average circulation of 1,000 copies each, 7 books in Slovak with a circulation of 500 each and 6 to 7 books in Romanian and in Ruthenian with a circulation of 500 copies each. The library network across Vojvodina holds books in minority languages that correspond to the ethnic structure of the population: 76.67 per cent of these books are in Serbian; 15.65 per cent are in Hungarian; 1.12 per cent in Slovak; 1.04 per cent in Romanian and 0.22 per cent in Ruthenian.

56. In keeping with the provisions of the Law on Public Information of the Republic of Montenegro, several papers are published in the Albanian language in that Republic, as well as the monthly magazine "Fati" which is published in Ulcinj and the weekly "Polis" which is published in Podgorica. Television of Montenegro broadcasts daily 15 minutes of news in Albanian, and on Saturdays a 60-minute informative cultural programme. Montenegrin radio stations broadcast 30 minutes of news in Albanian every day. The interests of minority populations in the area of creative work and culture are looked after by the respective mother nations, communities and societies which, in cooperation with relevant provincial cultural institutions, prepare programmes and carry out activities to maintain and cherish national identity, preserve and promote people's language, literature, the arts and folklore.

57. Persons belonging to the Albanian national minority have not abandoned their work posts en masse and in an organized manner at the cultural institutions in Kosovo and Metohija. On the contrary, Albanians are employed in almost all cultural institutions and they make up a majority in many of

them. Thus, for example, cultural centres or culture clubs in most towns in Kosovo and Metohija employ ethnic Albanians who outnumber Serb employees. Only three out of eight employees at the Provincial Cultural Centre in Pristina are Serbs and all employees at the Municipal Cultural Centre in Glogovac are Albanians; the same applies to the State archives and museums. For instance, of the 34 employees at the Kosovo and Metohija Museum, 20 are ethnic Albanians, i.e. around 60 per cent.

58. At the Institute for the Protection of Cultural Monuments of Kosovo and Metohija, 10 out of the 25 employees are ethnic Albanians, and the same ratio exists in other municipal institutes as well.

59. At the National Theatre in Pristina, there are two organizational units - the Serbian drama unit and the Albanian drama unit; however, the Albanian drama unit has a larger number of actors and other artistic and technical personnel. The same applies to the theatre of the young and to the puppet theatre in Pristina and to the theatre in Djakovica where ethnic Albanian employees constitute a majority. These and other theatres in Kosovo and Metohija give performances in Albanian not only in this province but throughout Yugoslavia and abroad as well. At the National Theatre in Novi Sad there is a drama unit which operates in the Hungarian language.

60. The activities and the programmes of these institutions are financed by the State. The same applies to the protection of cultural monuments, regardless of their national origin. Apart from these institutions and their activities, other institutions pursue their activities quite independently, like the "Society of Kosovo Authors" and a large number of libraries. The activity of the libraries is largely based on nationalist and separatist principles but they are nevertheless allowed to operate using State-owned premises.

The right to political organization

61. Persons belonging to national minorities have the right to self-organization, political organization and political representation. In fact, persons belonging to all national minorities except the Albanian national minority use this right in accordance with the Constitution and the law.

62. Bearing in mind that the Constitution of the Republic of Serbia defines a province as a form of territorial autonomy, it vests the Republic Assembly and the Government with legislative and executive powers. A province has a statute which is adopted by its assembly, subject to previous agreement from the National Assembly of the Republic of Serbia. The bodies of an autonomous province are: the assembly, the executive council and the agencies of government administration. Ethnic Albanian political leaders have abused the amendments to the Constitution of the Republic of Serbia and used it as a pretext to suspend all dialogue, not only with the authorities in Belgrade, but also with other national minorities, which has given rise to further ethnic divisions. In July 1990, the Albanian secessionist leaders adopted a constitutional declaration whereby they declared Kosovo and Metohija the "Republic of Kosovo", and in September of the same year a secret meeting of Albanian delegates of the dissolved "Assembly of Kosovo" even adopted at

Kacanik the "Constitution of the Republic of Kosovo". The Albanian political élite most clearly elaborated on its refusal to engage in a dialogue on the status of Albanians in its Political Declaration adopted on 12 October 1991 by the "Coordination Council of Albanian Political Parties in Yugoslavia". The declaration envisages three plans for the settlement to the "Kosovo" issue, depending on the stand of the international community regarding the settlement of the Yugoslav crisis, which at that time was well into the arming stage. According to the initial plan which envisaged no change of borders of the second Yugoslavia, the Albanian leaders insisted on the constitution of an independent, sovereign "Republic of Kosovo" which would embrace all ethnic Albanians from Kosovo and Metohija, Macedonia and Montenegro and have the right to associate in a Community of Yugoslav States. In case of changes of only the inter-Republic borders, they envisaged the possible establishment of an ethnic Albanian Republic and finally in case there were changes in Yugoslavia's external borders, the Albanians would, according to the provisions of the declaration, call a referendum in which they would decide on secession from Yugoslavia and unification with Albania.

63. Guided by those objectives, the Albanian separatist leaders set up a parallel system of authority and dissuaded the Albanian population from taking part in the 1991 population census, as well as from using their universal suffrage in the election of government bodies in FR Yugoslavia, the Republic of Serbia and local authorities in the period from 1990 until the last elections on 19 December 1993. (They failed to turn up for the elections three times: twice for the federal elections and once for local elections.)

64. However, the Albanians living in the territory of the Republic of Serbia outside Kosovo and Metohija, as well as the Albanians in Montenegro, did take part in the Republic and local elections. As a result, they have, for instance, two deputies to the Assembly of the Republic of Serbia as well as representatives in municipal authorities.

65. Contrary to the ethnic homogeneity of the province of Kosovo and Metohija, the northern province of Vojvodina is an example of a distinctive multi-ethnic community deriving from a different cultural heritage. Manifestation, preservation and promotion of ethnic identity and tolerant relations in conditions of cultural and ethnic pluralism were the factors that turned a deaf ear to the call of extreme nationalism in our distant and recent past. Even after the events, preceding and during the break-up of SFR Yugoslavia, Vojvodina remained a stable and a multi-ethnic community of Serbs, Montenegrins, Hungarians, Romanians, Ruthenians, Slovaks, Croats, Romanies, etc. Dissatisfaction with their status and the feeling of being threatened were in evidence among persons belonging to national minorities in Vojvodina following the spreading of the war and conflicts throughout Croatia and Bosnia and Herzegovina and hostile statements by a part of the Serbian opposition concerning persons belonging to non-dominant ethnic communities. The stability in Vojvodina's multi-ethnic space was enhanced by the fact that the level of rights relating to the preservation, promotion and manifestation of the ethnic specificities of non-Serb populations has not declined in any larger measure in the newly-formed Yugoslav State. A similar opinion was expressed by persons belonging to minority populations in an opinion poll on the status of national minorities and ethnic groups in Vojvodina who regard Yugoslavia as their fatherland and who use all their rights relating to ethnic

identity in a satisfactory manner. A precondition for good inter-ethnic relations, according to persons belonging to non-dominant ethnic groups in Vojvodina, is the constituting of FRY on the democratic principles of a civil State of equal citizens, regardless of their ethnic origin. Persons belonging to the four largest national minority communities in Vojvodina see in respect for the Constitution and the law, the development of democratic relations, tolerance and trust, the guarantees by the State, as well as in the consistent implementation of the proclaimed rights and in appropriate material and institutional resources, the guarantees for a stable status for all ethnic groups.

66. By taking advantage of the right to political association, the Hungarian national minority, for example, has won five seats in the Republic Parliament through the Democratic Union of Vojvodina Hungarians (DUVH). A certain number of persons belonging to the Hungarian national minority had or still have the status of deputies of certain other parties or of parties without a national prefix. At the most recent provincial elections, 120 deputies were returned to the Assembly, of which 23 belong to the Hungarian minority. Ethnic Hungarians hold all the important offices in the agencies of government administration in the townships where persons of this minority form a majority. Thus, for instance, Hungarians make up 42.77 per cent of the population in the Subotica township and are represented by 67 deputies to the municipal assembly (of whom 28 deputies belong to DUVH). Both the mayor and the president of the executive council are members of DUVH.

67. These dominant as well as other minorities are represented in provincial and particularly in local authorities.

68. On the basis of everything that has been said so far it follows that persons belonging to national minorities in FR Yugoslavia, except almost all persons belonging to the Albanian national minority from Kosovo and Metohija, are using their right to political association in accordance with the Constitution and the law.

The right to the official use of a native language and script

69. The FRY Constitution recognizes to the national minorities the right to develop, preserve and express their linguistic specificities, and in the parts of FRY inhabited by national minorities, their languages and scripts, too, are in official use, in accordance with the law. The minorities are likewise guaranteed, as set out above, the right to public information and schooling in their native language in accordance with the law.

70. There is no comprehensive law at the level of FRY regulating the official use of languages and scripts, but the Federal Government is currently working on one such project. The Republic of Serbia has passed the Law on the Official Use of Languages and Scripts, which stipulates that in the areas of the Republic of Serbia inhabited by minorities also their languages and scripts will be used together with the Serbian language in official communications.

71. According to the above-mentioned Law, the official use of languages and scripts entails the use of those languages and scripts by the State

authorities, agencies of the autonomous provinces, towns and townships, institutions, enterprises and other organizations pursuing the activities set forth in this Law. The official use of languages and scripts also includes the use of languages and scripts for writing place names and other geographic names, the names of squares and streets, the names of agencies, organizations and firms, public announcements, information and warnings, as well as the writing of other public inscriptions. The Law further stipulates that the official use of languages and scripts entails in particular their use in verbal and written communications between government bodies and organizations, as well as clients, meaning individual citizens, the conduct of proceedings for the exercise and protection of civil rights, duties and responsibilities, prescribed record-keeping, issuance of identification documents and the exercise of their rights, duties and responsibilities by employed or formerly employed persons.

72. The Law stipulates that the townships inhabited by minorities shall decide when minority languages will be in official use in their territory, i.e. specify in the municipal statute which language or minority languages shall be in official use in their township.

73. We shall here illustrate how the constitutional and legal provisions on the official use of languages and scripts are enforced in practice by looking at AP Vojvodina, a province with a specific ethnic composition: Serbs account for 57.3 per cent of its population, Hungarians 16.9 per cent, Yugoslavs 8.4 per cent, Croats 3.7 per cent, Slovaks 3.2 per cent, Montenegrins 2.2 per cent, Romanians 1.9 per cent, Romanies 1.2 per cent, Bunyevats 1.1 per cent, Ruthenians 0.9 per cent, Ukrainians 0.24 per cent and others 3.2 per cent.

74. The statute of AP Vojvodina, the basic legal act of the province, stipulates that in parallel with the Serbian language and the Cyrillic script (and in the Latin script as laid down by the law), the Government agencies of AP Vojvodina will officially use the Hungarian, Slovak, Romanian and Ruthenian languages and their respective scripts, as well as the languages and scripts of other national minorities as stipulated by law. Regular simultaneous interpretation into five languages is provided at the Vojvodina Assembly sessions. Communications between clients (citizens) and the provincial authorities take place in the languages of the national minorities. The courts of law in Vojvodina have the necessary capacities for the conduct of proceedings in the languages which are in official use in particular areas and in cases where such a possibility does not exist, a sworn-in court interpreter is provided.

75. Of the total 45 townships in AP Vojvodina, 37 have included in their statutes a provision governing the official use of the languages and scripts of the respective national minorities living in their territories so that one or several minority languages are in official use as well. In parallel with Serbian, the Hungarian language and script are in official use in 31 townships, Slovak in 12, Romanian in 10, Ruthenian in 6 and Czech in 1 township. (There are no more than 2,910 Czechs living in the whole of Yugoslavia, of whom 1,844 live in Vojvodina.) A considerable number of townships use several languages and scripts simultaneously and equally.

76. In the Republic of Montenegro, the relevant constitutional arrangements are carried out directly. In particular, article 68 of the Constitution of the Republic of Montenegro guarantees persons belonging to national minority and ethnic groups the right freely to use their language and script and the right to be educated and informed in their language.

The right to communication with the mother nation and her representatives

77. As we have noted in the introductory part of this report, the Constitution of FR Yugoslavia goes a step further than the International Covenant on Civil and Political Rights and stipulates a special right for persons belonging to national minorities to maintain links and relations with their mother State. In this manner, FR Yugoslavia wishes to develop good relations with her neighbours on the basis of equality, respect for each other's sovereignty and territorial integrity as well as mutual benefit. This is in the interest of all peoples and is the basis of stability in the region. The peoples of FR Yugoslavia and her neighbours are compelled by their historical ties to live together and persons belonging to national minorities in these States should serve as bridges for good-neighbourly cooperation.

The right to freedom of religion

78. The Constitution of FR Yugoslavia, as well as the Constitutions of its member Republics, guarantees freedom of religion to all citizens without any discrimination. Pursuant to the constitutional arrangements, the Church is separated from the State and is free to organize religious life, including the organization of religious schools.

79. The constitutional and legal provisions and the equality established in practice have made it possible so far for around 50 registered religious communities to operate in the Republic of Serbia and in the Republic of Montenegro.

80. The Islamic community is active among persons belonging to the Muslim faith and particularly among the Albanians, whereas the Roman Catholic Church is active among the Croats and the Hungarians. Traditional Protestantism is represented by the Slovak-Evangelist Church, which brings together persons belonging to the Slovak national minority, and by the Christian Reform Church, which is active among the Hungarians.

81. All religious communities perform religious rites and establish their internal organization quite independently and in full freedom. They also pursue freely and without any State control their international relations and apply for membership of international ecclesiastical forums and other inter-church associations. The delegates to such international gatherings and members of such international church forums are elected by the religious communities in keeping with their respective criteria.

82. Most religious communities have developed various publishing activities. They publish religious service and other books, university and secondary school textbooks, as well as a number of magazines for children, youth, the family or the broadest number of believers and others concerned. Emphasis of late has been placed on the publishing and distribution of video and audio

tapes, up-to-date devices that reach believers somewhat faster. All religious communities, especially the minor ones, import considerable quantities of different publications from abroad. Thus, for instance, on the initiative of the Ministry for Religions of the Republic of Serbia, the Islamic community - the Madrasa in Novi Pazar - imported duty-free from France 20,000 copies of the Koran, which were then distributed to the students at the Madrasa in Novi Pazar free of charge. The imported quantity will, it is believed, meet the needs of that school in the coming 10 years. Religious books are sold without any restrictions at bookshops and at other convenient places and the publishers of such works exhibit them successfully at the book fair and at other similar events. Religious production is subject to general regulations applicable to all publishers. The distribution of such publications is completely free and not subject to any censorship.

83. All religious communities are able quite freely to conduct religious instruction and teach their followers' children and other persons concerned. Instruction takes place on church and other appropriate premises. Textbooks and lecturers are provided by the religious communities in keeping with their criteria. The success of religious instruction and its child coverage depend in particular on the degree of organization of each individual religious community and the lecturers' capacity to generate interest among their students. The regulations in force do not envisage the possibility of organized religious instruction at State-owned schools, but certain surveys are under way to explore all the aspects of a possible arrangement designed to offer religious instruction as an elective school subject to children who express an interest therein.

84. Certain religious communities that are active in the Federal Republic of Yugoslavia run schools for priests and some send their personnel for training abroad.

85. The Islamic community has two secondary schools for the training of Imam personnel. The Madrasa in Pristina organizes instruction in the Albanian language and that in Novi Pazar in Serbian. At the Pristina Madrasa there are around 250 students and at that in Novi Pazar around 150. Higher education is acquired at universities in Arab and other Islamic countries which provide very favourable studying conditions for all those concerned.

86. The Christian Adventist Church has located its Faculty of Theology in Belgrade with around 100 full-time and part-time students. The Christian Baptist Church has a secondary and higher school of theology in Novi Sad with a small number of students, and the Roman Catholic Church has its secondary seminary in Subotica.

87. A number of religious communities which are active in the Federal Republic of Yugoslavia send their personnel for training abroad and, upon completion of their studies, they in most cases reassign them to local churches. All the religious communities which have religious schools draw up their curricula and publish textbooks and other teaching aids quite independently. The church organs responsible for education select the teaching staff according to their own criteria. They pursue their enrolment policy and fix quotas in response to actual needs. All religious schools are outside the State schooling system. Due to the need to preserve their

autonomy and the distinctive nature of religious schooling the leadership of these religious communities have so far not demonstrated an interest in changing that status.

88. The Islamic religious community in the Federal Republic of Yugoslavia has a remarkable number of religious facilities which meet all the believers' needs. According to the Islamic community's official documents, this community has a total of 571 Muslim districts; 448 jaias with Imam; 123 districts without Imam; 457 mosques; 129 masjids; 58 Muslim primary school classrooms; 19 dervish monasteries (tekkes); 33 turbehs; 50 offices; 21 funeral preparation chambers (gasulachanahs); 7 Imam apartments; 233 leased buildings; and 817 cemeteries.

89. In AP Vojvodina there are around 200 Catholic churches and about 20 Reform churches which bring together believers who belong to different national minorities living in AP Vojvodina. Many of these buildings are protected by the State as cultural historical monuments.

90. In the Republic of Montenegro the Roman Catholic Church has 148 churches and 70 other religious facilities, whereas the Islamic religious community has 85 mosques and masjids, as well as 45 other ecclesiastical facilities.

IV. SOME SPECIFIC PROBLEMS CONCERNING THE USE OF NATIONAL MINORITY RIGHTS IN FR YUGOSLAVIA

91. Apart from the above-mentioned rights, national minorities also enjoy other general rights like the right to health care, employment, entitlements stemming from employment, old-age and disability insurance benefits, child care, etc.

92. No major difficulties have been encountered in the implementation of these rights in AP Vojvodina, whereas a great majority of ethnic Albanians in AP Kosovo and Metohija have been refusing to use those rights owing to the well-known separatist trends which have been particularly pronounced in the past few years.

Health care

93. Owing to the high birth rate among the Albanian national minority in Kosovo and Metohija (2.9 per cent), which is the highest in Europe, the population in this region has tripled in the past few decades. Such a high natural increment has led to a change in the health status of the local population in Kosovo and Metohija both with regard to morbidity and mortality.

94. The high share of young people (1-14 years), who make up 42 per cent of the population, and that aged below 30 who account for 70 per cent thereof account for distinctive morbidity and mortality patterns. The health status of the population is characterized, on the one hand, by a low mortality rate overall due to the high percentage of young population and, on the other hand, by a high percentage of mortality in the 0-4 years age group due to the failure to take up-to-date preventive measures, i.e. vaccination. Pristina boasts a Clinical Hospital Centre comprising 20 clinics, centres and institutes, medical faculties, public health-care centres and the

Blood Transfusion Institute. There are also four large health centres, in Pec, Prizren, Gnjilane and Kosovska Mitrovica. All these institutions have 12,461 medical personnel of whom 66 per cent are ethnic Albanians. The health service of Kosovo and Metohija operates as part of a single health-care system of the Republic of Serbia. The provinces secure for their citizens the right to health care in the same manner as it is provided to the citizens in other parts of the Republic, regardless of their religion, ethnic origin, gender, age, etc. Despite the successful development of the health service and the results attesting to the improvement in the public health status, according to certain data and reports, the quality of the health-care service falls short of the attained level of development and the internationally-recognized professional-medical principles.

95. The position of principle of health workers, who stand ready to extend appropriate health care to everyone who so requests, provides a solid basis for rebuilding confidence among all citizens of this region. In addition to the many difficulties in organizing health-care activities, numerous problems have arisen as a result of sanctions, so that health workers who were unable to procure sanitary and other necessary supplies have had to resort to most primitive methods to prevent the spread of communicable diseases.

Employment

96. A large number of ethnic Albanian workers have wilfully abandoned their enterprises and government institutions, obviously in response to the orders of their secessionist leaders, orders that represent a gross manipulation and abuse for political purposes. The Constitution guarantees the right to work. Thus, for instance, the real objective of those who ordered ethnic Albanian workers to abandon their workposts was to paralyse economic life and promote the claim that "Kosovo is not Serbia". Thus, for example, the recent re-start of production at the Mining-Metallurgical Kombinat TREPCA and the return of a significant number of Albanians to work shows that the right to employment has not been denied to the Albanian population. The individuals who have resisted separatist pressures are now working normally in a number of different sectors. This boycott has made it impossible to enforce article 23 of the Universal Declaration on Human Rights, article 6 of the International Covenant on Economic, Social and Cultural Rights and article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination. However, notwithstanding the boycott, persons belonging to the Albanian national minority account for 60 per cent of around 120,000 employees in the social sector.

97. The Albanian population in Kosovo and Metohija owns the bulk of private capital in privately-owned firms. The Albanian separatist leadership has levied an illegal 3 per cent tax on all gainfully-employed persons to finance their separatist and other activities with a view to undermining the constitutional order and destabilizing the Republic of Serbia.

Child care

98. In the area of child care we wish to point out in particular the problem of benefiting from the right to family allowance in AP Kosovo and Metohija.

99. In 1991 the number of family allowance recipients was 236,000; at present around 90,000 children benefit from this allowance. The reasons for this substantial reduction in the number of recipients are not and cannot be the arrangements laid down by the Law on Social Child Care which was passed towards the end of July 1992 because the new arrangements, compared with those in force in AP Kosovo and Metohija in the previous period, extend the categories of recipients who can claim family allowance to farmers, the jobless and to recipients of family welfare benefits. They also regulate the rate of family allowance in a more favourable manner by pegging it to the average monthly salary in the enterprise sector of the Republic.

100. The main reason for this reduction is the lower number of children who attend classes regularly, a requirement which must be satisfied throughout the Republic as a precondition for this entitlement.

101. It should be stressed here that the parents of the ethnic Albanian children who do not attend classes regularly have only in a small number of cases applied for this benefit and most have not used their right to lodge a complaint nor resorted to any other legal remedies. It follows from all this that they neither wish nor dare use this right, being, as they are, under pressure from separatists. Any attempts to place this problem in the context of violations of ethnic Albanian children's human rights are untenable. The competent bodies of FR Yugoslavia and the Republic of Serbia seek to make ethnic Albanian children attend classes regularly again and thus qualify for other rights which belong to all citizens of FR Yugoslavia and the Republic of Serbia, including the right to family allowance.

102. At its session on 9 May 1996 the Federal Government reviewed the report on the state of affairs and the exercise of national minority rights in the Federal Republic of Yugoslavia and in that context adopted the following conclusions:

1. The report on the state of affairs and the exercise of national minority rights in the Federal Republic of Yugoslavia is hereby adopted.

2. The state of affairs and the exercise of national minority rights presented in the report indicate that the arrangements that have been put in place within the existing legal institutional framework are consistent with relevant international documents and in certain areas contain even higher requirements and standards than those set out therein, so that they guarantee to members of national minorities full equality, as well as respect for the rights and duties spelled out in the Constitution and the law.

3. The report is published in the Serbian and English languages and is to be communicated to the competent and interested domestic and international bodies and organizations for their information and further distribution.

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